



Control Number: 48388



Item Number: 18

Addendum StartPage: 0

RECEIVED

APPLICATION OF CHUCK BELL §
DBA CHUCK BELL WATER §
SYSTEMS, LLC AND UNDINE §
TEXAS, LLC FOR SALE, TRANSFER, §
OR MERGER OF FACILITIES AND §
CERTIFICATE RIGHTS IN §
JOHNSON AND TARRANT §
COUNTIES §

2018 AUG 16 PM 4: 28

PUBLIC UTILITY COMMISSION
OF TEXAS

**UNDINE TEXAS, LLC'S SECOND SUPPLEMENTAL RESPONSE TO
ORDER NO. 2**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

Undine Texas, LLC ("Undine") files this Second Supplemental Response to Order No. 2.

In support thereof, Undine states the following:

I. BACKGROUND

On May 24, 2018, Undine filed with the Public Utility Commission of Texas ("Commission") an application for sale, transfer, or merger of a retail public utility in Johnson and Tarrant Counties ("Application"). On May 30, 2018, the Administrative Law Judge ("ALJ") filed Order No. 1 requiring Commission Staff's Recommendation and directing Undine to provide information and supporting documentation on or before June 4, 2018.

On June 20, 2018, Commission Staff filed their Recommendation on Sufficiency of Application. On June 22, 2018, the ALJ issued Order No. 2 finding that the Application was deficient and incomplete for the reasons specified in the pleading and memorandum of Emily Sears and Gary Horton, Jr. in the Commission's Water Utility Regulation Division. Undine was given until July 20, 2018 to cure the identified deficiencies in the Application. Undine submitted a response on July 20, 2018. Undine hereby supplements that response.

II.

SUPPLEMENTAL APPLICATION INFORMATION PROVIDED

In further response to Order No. 2, Undine hereby files the following information:

Deficiency Items to Resolve

2. **Dual Certification**

Staff identified several areas in which the requested area overlaps an existing CCN. Please submit agreements with the following entities showing consent for dual certifications:

- a. City of Cleburne (CCN No. 10917)*
- b. Johnson County SUD (CCN No. 10081)*
- c. Monarch Utilities I, LP (CCN No. 12983)*

In the alternative, the Applicant may submit updated mapping data to eliminate these overlaps.

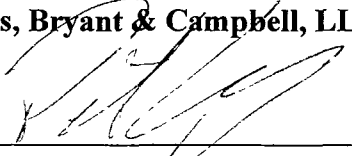
Response:

Attached as Exhibit A-1, Exhibit A-2, and Exhibit A-3 are the dual certification agreements as executed by each of the identified parties.

Respectfully submitted,

DuBois, Bryant & Campbell, LLP

By: _____


Peter T. Gregg
State Bar No. 00784174
303 Colorado, Suite 2300
Austin, Texas 78701
pgregg@dbcllp.com
(512) 457-8000
(512) 457-8008 (fax)

Attorneys for Undine Texas, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the persons as indicated below on this the 16th day of August, 2018:

Alexander Petak
Public Utility Commission of Texas
Legal Division
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326
alexander.petak@puc.texas.gov

EXHIBIT A-1

CITY OF CLEBURNE DUAL CERTIFICATION AGREEMENT

June 12, 2018

Jeremy Hutt
Public Works Director
City of Cleburne
10 N Robinson St.
PO Box 677
Cleburne, TX 76033

Re: Application of Chuck Bell dba Chuck Bell Water System, LLC ("CBWS") and Undine Texas, LLC ("Undine") for Sale, Transfer or Merger of Facilities and Certificate Rights in Johnson and Tarrant Counties (OPD Docket No. 48388).

Dear Mr. Hutt:

On May 24, 2018, CBWS and Undine submitted an application to the Public Utility Commission of Texas ("PUC") for the sale of certain facility and certificate rights from CBWS to Undine (the "Application"). Based on our review, the Application includes an area of overlap with City of Cleburne's (the "City") CCN No. 10917. The attached maps specify the area of overlap.

This letter requests that the City agree to dual certification of the area highlighted on the attached maps for its CCN 10917 so that CBWS and Undine may incorporate those areas into the service areas that are otherwise the subject of the Application. We note that the City does not now, nor has it ever, supplied drinking water service to customers within the area highlighted on the attached maps. Undine and CBWS seek the City's dual certification of the area for no compensation under Texas Water Code §13.254.

If approved, the dual certification will allow Undine to exercise its authority to provide retail, public water utility service under Undine's STM Application to the portion of the City's CCN No. 10917 requested for dual certification.

If the City agrees to dual certification of the identified area pursuant to the terms of this letter, please so indicate by signing in the area indicated below. We appreciate your consideration in this matter.

Sincerely,



Chuck Bell

By the signature below, the City of Cleburne agrees to dual certification of the areas identified in this letter according to the terms of this letter.

Signature: 

Name: Steve Polasek

Title: City Manager

Date: August 16, 2018

EXHIBIT A-2

JOHNSON COUNTY SUD DUAL CERTIFICATION AGREEMENT

6/12/2017

Johnson County Special Utility District
2849 S Hwy 171
Cleburne, TX 76033

Re: Application of Chuck Bell dba Chuck Bell Water System, LLC ("CBWS") and Undine Texas, LLC ("Undine") for Sale, Transfer or Merger of Facilities and Certificate Rights in Johnson and Tarrant Counties (OPD Docket No. 48388).

Dear Johnson County Special Utility District Representative:

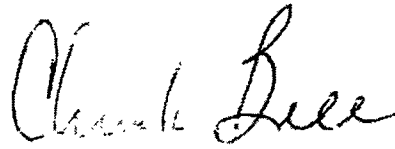
On May 24, 2018, CBWS and Undine submitted an application to the Public Utility Commission of Texas ("PUC") for the sale of certain facility and certificate rights from CBWS to Undine (the "Application"). Based on our review, the Application includes an area of overlap with Johnson County Special Utility District's ("JC SUD") CCN No. 10081. The attached maps specify the area of overlap.

This letter requests that JC SUD agree to dual certification of the area identified on the attached maps for its CCN 10081 so that CBWS and Undine may incorporate those areas into the service areas that are otherwise the subject of the Application. We note that JC SUD does not now, nor has it ever, supplied drinking water service to customers within the area highlighted on the attached maps. Undine and CBWS seek JC SUD's dual certification of the area for no compensation under Texas Water Code §13.254.

If approved, the dual certification will allow Undine to exercise its authority to provide retail, public water utility service under Undine's STM Application to the portion of JC SUD's CCN No. 10081 requested for dual certification.

If you agree to dual certification of the identified area pursuant to the terms of this letter, please so indicate by signing in the area indicated below. We appreciate your consideration in this matter.

Sincerely,



Chuck Bell

By the signature below, Johnson County Special Utility District agrees to dual certification of the areas identified in this letter according to the terms of this letter.

Signature: Terry D. Kelley
Name: Terry D. Kelley
Title: General Manager
Date: 7/20/18

EXHIBIT A-3

MONARCH UTILITIES I, LP DUAL CERTIFICATION AGREEMENT

6/12/2018

George Freitag
Monarch Utilities, I LP
12535 Reed Rd
Sugarland, Texas 77478

Re: Application of Chuck Bell dba Chuck Bell Water System, LLC ("Chuck Bell") and Undine Texas, LLC ("Undine") for Sale, Transfer or Merger of Facilities and Certificate Rights in Johnson and Tarrant Counties (OPD Docket No. 48388).

Dear Mr. Freitag:

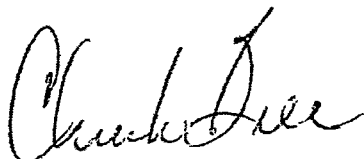
On May 24, 2018, Chuck Bell and Undine submitted an application to the Public Utility Commission of Texas ("PUC") for the sale of certain facility and certificate rights from Chuck Bell to Undine (the "Application"). Based on our review, the Application includes an area of overlap with Monarch Utility I LP's ("Monarch") CCN No. 12983. The attached maps specify, in yellow highlighting, the area of overlap.

This letter requests that Monarch agree to dual certification of the area highlighted on the attached maps for its CCN 12983 so that Chuck Bell and Undine may incorporate those areas into the service areas that are otherwise the subject of the Application. We note that Monarch does not now, nor has it ever, supplied drinking water service to customers within the area highlighted on the attached maps. Undine and Chuck Bell seek Monarch's dual certification of the area for no compensation under Texas Water Code §13.254.

If approved, the dual certification will allow Undine to exercise its authority to provide retail, public water utility service under Undine's STM Application to the portion of Monarch's CCN No. 12983 requested for dual certification.

If you agree to dual certification of the identified area pursuant to the terms of this letter, please so indicate by signing in the area indicated below. We appreciate your consideration in this matter.

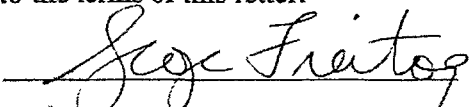
Sincerely,



Chuck Bell

By the signature below, Monarch agrees to dual certification of the areas identified in this letter according to the terms of this letter.

Signature:



Name:

GEORGE FREITAG

Title:

TEXAS REGULATORY MANAGER
SOUTHWEST WATER COMPANY
MONARCH UTILITIES I, L.P.

2494819.1

DATE: 07/20/2018